upright, able and learned men, should be *courted* to accept the office, and that none other should be appointed.

County Judges (in the words of a personage who has favored us with a communication on the subject) should be men of character and standing—lawyers of experience; industrious, hard-working, deep-thinking, pleading men: men who have steadiness, independance, and force of character—who are under the guidance of good feeling, influenced by proper impulses, and who have an interest in the common weal; prepared to stand up against improper local influences, personal and party prejudices—looking and pointing others to a standard, and that the right, as the rule for the actions and judgments of all men.

If men meeting such requirements are not readily to be found, let them be diligently sought for as occasion may require. The Upper Canada Bar, not inferior to that of any other country in the Queen's dominions, comprises such in its ranks. Offer these men inducements to withdraw from a field where labor and talents are more appreciated and better rewarded than in the public service; and let aptitude for the office be the governing principle in every judicial appointment, and the right material may be had.

And what are the inducements that should be offered for relinquishing a lucrative profession—a calling not less honorable than that of County Judge?—First, a remuneration in proportion to the trust and labor of the office, and at least on the same scale of remuneration which talent commands in the counting-house and the bank.[5] Give the Judges sufficient "to support them in that station of life in which it is right on every ground they should move and act," with something over to save against the day when infirmities leave them unable to work—or provide a retired allowance on such a contingency.

What would the charge amount to? A mere nothing; for suitors in the Local Courts contribute to, nay, almost pay the whole charge of the establishment, and the fund is increasing: but if it did cost the Province a few thousand dollars in providing for the administration of Justice—what then? *that* should ever have the first claim on the public revenue; and the benefits of *Local* administration are most sensibly felt. The labours of the County Judge are but partially known—they are not confined to the time spent in Courts, nor to the labours of the road (the latter most trying on any constitution) they compel him to forego many advantages; to relinquish many comforts of social life.

Second, make them free from mere Executive dependency. Place them beyond the fear of popular clamour. Give them—as Judges have in free countries elsewhere—a tenure dependent on fitness and good behaviour. Let the pledged faith of the Legislature, above all things, be sustained; and neither expediency, nor the difficulties of any isolated case, be a warrant to violate it.

Does the Act of 1846, which *altered* the tenure changing it from "good behaviour" to "at pleasure" present the office in a favorable aspect to the bar? We are bold to say that it was an unwise act—a pernicious and dangerous precedent. It gave instability to the office—it humbled the Judges to the dust—it prostrated them to the feet of any dominant power of the day. What avail is the argument that *practically* the tenure is the same; it may be so—doubtless it is so now, but the principle is wrong—the door has been opened, and who can foresee the results?

If it is urged that what one legislature can do another can undo, because no legislature can bind its successor—we ask, Is this position sound and safe, when tested by reason and justice? The Judges of the Superior Courts, for example, now hold office during good behaviour, and have the guarantee of Parliament for a retired allowance. This is a contract between the legislature and the judiciary. Can the legislature annul their own compacts? Can they, for instance, annihilate the public debt? By their laws they have given to the Judges a right which no subsequent law can justly take away. A compact is made,—the legislature are bound by it; they have promised and must keep faith. Establish the contrary doctrine, and what follows? The whim of the moment becomes the law of the land; and under it every wrong may find shelter. What was done by the Act of 1846, respecting County Judges, might be done to-morrow respecting the Judges of the Superior Courts.—the latter have no better guarantee than the former, the good faith of Parliament—should the principle ever be adopted of legislating merely to show power.

But the Act of 1846 was evidently passed hastily, and we have little fear that the precedent will be followed. But should that precedent be allowed to remain? What is the nature of the tenure we have been speaking of?—*good behaviour*—to act with justice, integrity and honor, and to administer justice, speedily and impartially, is good behaviour—if a Judge acts contrary, it would be misbehaviour; what more can be required.

We again repeat, it was an unwise act to make the County Judges dependents for their office on mere "pleasure," taking from them the guaranteed tenure during fitness and good behaviour—for all the arguments in favor of a fixed tenure apply with perhaps greater force to them than to the Judge of the Inferior Courts, being brought, as they are, into direct personal contact with litigants, being Judges both of the law and the facts involved in a case—being Judges, also, of a Criminal Court, and in every way more exposed to the shafts of personal or party rancour, &c.

[5] A *further* supply of competent Judges, at the present rate, need not be expected, though present incumbents must needs take what they get.